

**CISLO & THOMAS LLP**  
*Attorneys at Law*  
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION  
SUITE 900  
233 WILSHIRE BOULEVARD  
SANTA MONICA, CALIFORNIA 90401

**RECEIVED**  
**CENTRAL FAX CENTER**  
**DEC 16 2005**

PROCUREMENT AND ENFORCEMENT  
OF INTELLECTUAL PROPERTY

(310) 451-0847  
L. A. (323) 870-1163  
FACSIMILE (310) 394-4477  
INTERNET WWW.CISLO.COM

PATENT, TRADEMARK  
COPYRIGHT & RELATED MATTERS

December 16, 2005

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Re: **Serial No. 10/731,364**  
Response to Decision on Petition Dated November 17, 2005 for  
**PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE**  
Our Docket No. 02-11429

Dear Sir/Madam:

Please find enclosed a Response to Decision on Petition Dated November 17, 2005, Combined Declaration and Power of Attorney for Ted J. Brackett, Combined Declaration and Power of Attorney for C. Martin Smith, and certificate of mailing for the above referenced patent application. Kindly acknowledge receipt thereof by returning the enclosed postcard.

A check in the amount of \$400.00 is enclosed for filing fees, however any additional fees which may be required may be charged to our deposit account no. 03-2030.

Very truly yours,

CISLO & THOMAS LLP

  
Daniel M. Cislo

DMC/SAB/sd

**Enclosures**

Response to Decision on Petition Dated November 17, 2005  
Combined Declaration and Power of Attorney for Ted J. Brackett  
Combined Declaration and Power of Attorney for C. Martin Smith  
Check for filing fees  
Certificate of First Class Mail  
Acknowledgment postcard

Z:\TMD\002-11429\TRANSMITTAL LETTER RE RESPONSE TO DECISION ON PETITION RE FIRST NAMED INVENTOR.DOC

PATENT  
Appl. No. 10/731,364  
Our Docket No. 02-11429

RECEIVED  
CENTRAL FAX CENTER  
DEC 16 2005

Customer Number  
25189  
PATENT TRADEMARK OFFICE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of inventor(s):

**Ted J. Brackett**

Serial Number: 10/731,364  
Filed: December 9, 2003

Examiner: Spisich, Mark  
Art Unit: 1744

For: **PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE**

MAIL STOP PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

## RESPONSE TO DECISION ON PETITION DATED NOVEMBER 17, 2005

Dear Sir:

A Decision on Petition ("Decision") for the above-referenced matter was issued on November 17, 2005 in response to Applicants' Request for Correction of First Named Inventor. In the Decision, Examiner Frances Hicks found that the previously filed Combined Declaration and Power of Attorneys for inventors Ted J. Brackett and C. Martin Smith individually identified each inventor as the sole inventor and requested that new executed oaths or declarations be filed, stating that each individual is a joint inventor, in compliance with 37 CFR 1.63(a)(2).

12/19/2005 TL0111 00000025 032030 10731364  
01 FC:1462 400.00 DA

The PTO did not receive the following  
listed item(s) check

Page 1 of 3

z:\mtdocs\02-11429\response to decision on petition re inventor names & declarations.doc

## PATENT

Appl. No. 10/731,364

Docket No. 02-11429

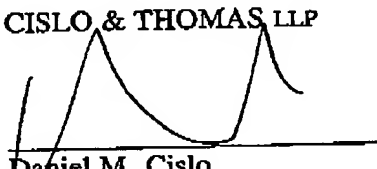
Applicants hereby enclose newly executed Combined Declarations and Powers of Attorney for Ted J. Brackett and C. Martin Smith in compliance with 37 CFR 1.63(a)(2). A check in the amount of \$400.00 is enclosed for filing fees.

Having responded to each of the issues addressed in the Decision on Petition, Applicants respectfully request that the application be allowed to issue. If a telephone interview will advance the issuance of the application, Applicants request the Examining Attorney contact Applicants' representative at the number listed below.

Respectfully submitted,

CISLO & THOMAS LLP

Date: December 16<sup>th</sup>, 2005

  
Daniel M. Cislo  
Reg. No. 32,973  
Tel.: (310) 451-0647 x128

DMC/SAB/sd

CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401  
Tel: (310) 451-0647  
Fax: (310) 394-4477  
Customer No.: 25,189  
www.cislo.com

x:\undoc\02-11429\response to decision on petition re inventor names & declarations.doc

PATENT  
Appl. No. 10/731,364  
Docket No. 02-11429

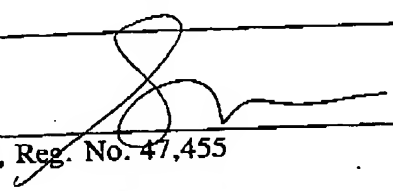
## **CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following papers are being facsimile transmitted to the U.S.

Patent and Trademark Office (fax no.: (571) 273-8300) on the date shown below:

Response to Decision on Petition Dated November 17, 2005

12/15/05

  
Sarah A. Brown, Reg. No. 47,455

12/15/05  
Date

z:\vtdocs\02-11429\request for correction of first named inventor.doc

Practitioner's Docket No. 02-11429

**PATENT**

---

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,**  
**CONTINUATION, OR C-I-P)**

---

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for a continuation-in-part utility application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and joint inventor of the subject matter that is claimed, together with C. Martin Smith, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE, the specification of which was filed with the U.S. Patent Office on December 9, 2003.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56.

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. SECTION 120**

I hereby claim the benefit, under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

(Declaration and Power of Attorney—page 1 of 3)

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE  
U.S. FOR BENEFIT UNDER 35 U.S.C. SECTION 120:**

U.S. APPLICATIONS		STATUS		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
60/245,078	11/01/00			X (Provisional Application)
6,666,925 B2	11/01/2001	X		

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Donald M. Cislo, Esq.	22,060
Charles H. Thomas, Esq.	25,710
Daniel M. Cislo, Esq.	32,973
Andrew S. Jordan, Esq.	33,917
Kelly W. Cunningham, Esq.	43,570
David B. Sandelands, Esq.	46,023
Sarah A. Brown, Esq.	47,455
Mark D. Nielsen, Esq.	52,068
Sean D. O'Brien, Esq.	52,080
Peter S. Veregge, Esq.	55,698

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**AUTHORIZATION OF ATTORNEY(S) TO ACCEPT AND  
FOLLOW INSTRUCTIONS FROM REPRESENTATIVE**

The undersigned to this declaration and power of practitioner hereby authorizes the U.S. practitioner(s) named herein to accept and follow instructions from:

Daniel M. Cislo  
Cislo & Thomas LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401-1211

as to any actions to be taken in the Patent and Trademark Office regarding this application without direct

(Declaration and Power of Attorney—page 2 of 3)

communication between the U.S. practitioner(s) and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. practitioner(s) will be so notified by the undersigned.

---

**SEND CORRESPONDENCE AND DIRECT TELEPHONE CALLS TO:**

Daniel M. Cislo  
CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401-1211  
USA  
Telephone: (310) 451-0647  
Telefax: (310) 394-4477  
Email: dancislo@cislo.com

Customer Number 25,189

---

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

**Inventor Name:** Ted Brackett

**Inventor's Signature** T. Brackett

**Date** 12/9/05

**Mailing Address** 102 Rosecrans Avenue, Manhattan Beach, California, 90266

**Country of Citizenship** USA

**Residence** Manhattan Beach, California

\\TMDOCS\02-1142\REVISED DECLARATION OF TED BRACKETT.DOC

(Declaration and Power of Attorney--page 3 of 3)

Practitioner's Docket No. 02-11429

**PATENT**

---

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,**  
**CONTINUATION, OR C-I-P)**

---

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for a continuation-in-part utility application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, second and joint inventor of the subject matter that is claimed, together with Ted J. Brackett, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

**PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE**, the specification of which was filed with the U.S. Patent Office on December 9, 2003.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56.

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**  
**UNDER 35 U.S.C. SECTION 120**

I hereby claim the benefit, under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

(Declaration and Power of Attorney—page 1 of 3)



**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE  
U.S. FOR BENEFIT UNDER 35 U.S.C. SECTION 120:**

U.S. APPLICATIONS		STATUS		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
60/245,078	11/01/00			X (Provisional Application)
6,666,925 B2	11/01/2001	X		

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Donald M. Cislo, Esq.	22,060
Charles H. Thomas, Esq.	25,710
Daniel M. Cislo, Esq.	32,973
Andrew S. Jordan, Esq.	33,917
Kelly W. Cunningham, Esq.	43,570
David B. Sandelands, Esq.	46,023
Sarah A. Brown, Esq.	47,455
Mark D. Nielsen, Esq.	52,068
Sean D. O'Brien, Esq.	52,080
Peter S. Veregge, Esq.	55,698

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**AUTHORIZATION OF ATTORNEY(S) TO ACCEPT AND  
FOLLOW INSTRUCTIONS FROM REPRESENTATIVE**

The undersigned to this declaration and power of practitioner hereby authorizes the U.S. practitioner(s) named herein to accept and follow instructions from:

Daniel M. Cislo  
Cislo & Thomas LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401-1211

as to any actions to be taken in the Patent and Trademark Office regarding this application without direct

(Declaration and Power of Attorney--page 2 of 3)

12/13/2005 05:41 6267950819

DEPT CHAIRS OFFICE

PAGE 04

communication between the U.S. practitioner(s) and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. practitioner(s) will be so notified by the undersigned.

---

SEND CORRESPONDENCE AND DIRECT TELEPHONE CALLS TO:

Daniel M. Cislo  
CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401-1211  
USA  
Telephone: (310) 451-0647  
Telefax: (310) 394-4477  
Email: dancislo@cislo.com

Customer Number 25,189

---

DECLARATION

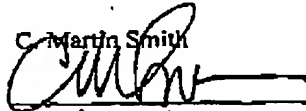
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor Name:

C. Martin Smith

Inventor's Signature



Date

12/13/05

Mailing Address

10978 Ayres Avenue, Los Angeles, California, 90064

Country of Citizenship USA

Residence Los Angeles, California

Z:\TMDC\902-11429\REVISED DECLARATION AND POWER OF ATTORNEY FOR C MARTIN SMITH.DOC

(Declaration and Power of Attorney—page 3 of 3)

PATENT  
02-11429



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:  
**BRACKETT, Ted J., et al.**

Serial Number: 10/731,364

Examiner: Frances Hicks

Filed: December 9, 2003

Art Unit: Office of Petitions

For: **PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE**

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF FIRST CLASS MAILING**

Dear Sir/Madam:

Enclosed herewith are the following:

1. Transmittal Letter (1 page);
2. Response to Decision on Petition Dated November 17, 2005 (3 pages);
3. Combined Declaration and Power of Attorney for Ted J. Brackett (3 pages)
4. Combined Declaration and Power of Attorney for C. Martin Smith (3 pages);
5. Check No. 31445 in the amount of \$400.00 for filing fees; and
6. Acknowledgement Postcard.

PATENT  
02-11429

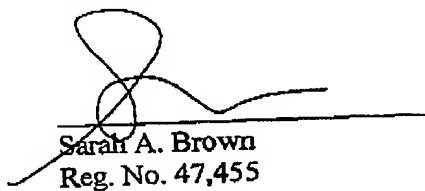
I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail under 37 C.F.R., § 1.8, on the date indicated herein and is addressed to:

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Respectfully submitted,

CISLO & THOMAS LLP

Date: December 15, 2005

  
Sarah A. Brown  
Reg. No. 47,455

CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401-1211  
Customer No.: 25,189  
Tel: (310) 451-0647  
Fax: (310) 394-4477  
www.cislo.com

SAB/sd

Enclosures

As listed above

c:\mbox\02-11429\certificate of first class mail re response to decision on petition re first named inventor.doc